

REMARKS

This Application has been reviewed carefully in light of the Final Office Action mailed October 27, 2004 ("*Final Office Action*"). Claims 1, 3, 4, and 6-22 were pending in the Application and stand rejected. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejects Claims 1, 3, 4, and 6-22 under 35 U.S.C. § 103(a) as being unpatentable over various combinations of references.

Claims 1, 3, 4, 6, 7, 14, 21, and 22

The Examiner rejects Claims 1, 3, 4, 6, 7, 14, 21, and 22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,083,277, which issued to Fowlow, et al. ("*Fowlow*"), in view of U.S. Patent No. 6,333,752, which issued to Hasegawa, et al. ("*Hasegawa*").

Applicant's independent Claim 1 recites:

A method, comprising the steps of:
providing a set of predetermined function definitions;
preparing a project definition, said project definition
including:

a plurality of function portions which each correspond to one of said function definitions in said set, and which each define at least one input port and at least one output port that are functionally related according to the corresponding function definition;

a further portion which includes a source portion identifying a data source and defining an output port through which data from the data source can be produced, and which includes a destination portion identifying a data destination and defining an input port through which data can be supplied to the data destination; and

binding information which includes binding portions that each associate a respective said input port with one of said output ports;

wherein one of said function definitions identifies a separate image processing program, wherein one of said function portions which corresponds to said one function definition identifies a command for said image processing program, and wherein execution of said one function portion causes execution of said command by said image processing

program in a manner which affects image data present in said one function portion.

Applicant respectfully submits that *Fowlow* and *Hasegawa*, whether taken alone or in combination, fail to teach or suggest every element of this Claim.

Among other aspects of Claim 1, the *Fowlow-Hasegawa* combination fails to teach or suggest:

wherein one of said function definitions identifies a separate image processing program, wherein one of said function portions which corresponds to said one function definition identifies a command for said image processing program, and wherein execution of said one function portion causes execution of said command by said image processing program in a manner which affects image data present in said one function portion.

In particular, the *Fowlow-Hasegawa* combination fails to teach or suggest that “one of said function definitions identifies a separate image processing program.” As teaching this element, the Examiner first cites *Fowlow*’s discussion of utilizing multiple components in an application. *Final Office Action*, page 3. However, none of the components discussed in *Fowlow* identify a separate image processing program. Moreover, the components in *Fowlow* are not themselves separate image processing programs. Rather, *Fowlow* discloses that the components are simply “present in a component catalog from which a user can examine and choose components to be applied to the application being built.” *Fowlow*, Col. 6, lines 60-63.

As further teaching for a function definition that identifies a separate image processing program, the Examiner next cites *Hasegawa*’s discussion of an image processing apparatus. *Final Office Action*, page 4. However, *Hasegawa*’s image processing apparatus simply permits a user to view the effect of different combinations of parameters on a number of “peripheral” images related to a reference image. *Hasegawa*, Col. 2, line 62 – Col. 3, line 8; Figure 9. This disclosure of *Hasegawa*, however, fails to teach or suggest any function definitions, let alone a function definition that identifies a separate image processing program.

Applicant also respectfully submits that the *Fowlow-Hasegawa* combination fails to teach or suggest that “one of said function portions which corresponds to said one function definition identifies a command for said image processing program.” The Examiner states that each of *Fowlow*’s components “inherently behav[e] as a function or operation encoded in

software accessing the internal state of the object.” *Final Office Action*, page 3. However, none of *Fowlow*’s components teach or suggest identifying a command for a separate image processing program. Furthermore, *Hasegawa* fails to teach or suggest function portions, let alone a function portion that identifies a command for a separate image processing program.

Applicant also respectfully submits that the *Fowlow-Hasegawa* combination fails to teach or suggest that “execution of said one function portion causes execution of said command by said image processing program in a manner which affects image data present in said one function portion.” The Examiner states that *Fowlow* “discloses connection links between separate components causing storing and execution of a definition.” *Final Office Action*, page 3. However, connection links causing storing and execution of *Fowlow*’s components simply fails to teach or suggest that execution of a function portion causes execution of a command by a separate image processing program. Furthermore, *Hasegawa* fails to teach or suggest function portions, let alone a function portion that when executed causes execution of a command by a separate image processing program.

For at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of independent Claim 1. For reasons analogous to those discussed above with regard to Claim 1, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of independent Claims 4, 7, and 14. Furthermore, because Claims 3, 6, 21, and 22 each depend from independent claims shown above to be allowable over *Fowlow* and *Hasegawa*, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 3, 6, 21, and 22.

In addition, Applicant respectfully submits that various dependent claims further highlight deficiencies in the cited references. For example, consider Claims 3 and 6. Claim 3 adds “concurrently executing said project definition and an instance of said image processing program.” As teaching this element, the Examiner refers to *Fowlow*’s discussion of “plugs” and “sockets” and an application that includes multiple components. *Final Office Action*, page 4. However, Applicant respectfully submits that neither *Fowlow*’s discussion of plugs and sockets nor an application that includes multiple components teaches or suggests concurrent execution of a project definition and a separate image processing program. Furthermore, *Hasegawa* similarly fails to address this aspect of the claimed invention.

Next, consider Claims 21 and 22. Claim 21 adds that “execution of said command by said image processing program conforms said image data to a generally similar appearance.”

As teaching this element, the Examiner states that *Fowlow*'s components "inherently represent[] any real world or abstract entity, therefore, an object representing an image would inherently represent an image-processing program." *Final Office Action*, page 4. Applicant fails to see how the Examiner's statement pertains to Applicant's claim language. Moreover, Applicant respectfully submits that the Examiner fails to cite any discussion in *Fowlow* of conforming image data to a generally similar appearance. Furthermore, *Hasegawa* similarly fails to address this aspect of the claimed invention.

For these additional reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of dependent Claims 3, 6, 21, and 22. Applicant notes that the Examiner failed to address similar arguments submitted in the previous response filed on July 1, 2004. *See Final Office Action*, pages 11-12. M.P.E.P. § 707.07(f) state that: "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." Therefore, Applicant respectfully request reconsideration and, at a minimum, a substantive response to Applicant's arguments.

In addition, Applicant submits that there is no teaching, suggestion, or motivation to combine or modify the teachings of *Fowlow* and *Hasegawa* either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The Examiner maintains the rejection despite being unable to cite to any objective evidence of record that suggests or motivates the proposed combination. *See Final Office Action*, page 12. Applicant respectfully submits that this is improper. *See In re Lee*, 277 F.3d 1338, 1343-44 (Fed. Cir. 2002) (stating that the suggestion or motivation to combine references is a factual question that cannot be resolved on subjective belief and unknown authority, but must be based on objective evidence of record). For this additional reason, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 1, 3, 4, 6, 7, 14, 21, and 22.

Claims 8-11 and 15-18

The Examiner rejects Claims 8-11 and 15-18 under 35 U.S.C. § 103(a) as being unpatentable over *Fowlow* in view of U.S. Patent No. 6,002,876, which issued to Davis, et al. ("*Davis*"). These Claims depend from Claims 7 and 14 respectively, which are shown above to be patentable over *Fowlow*. The introduction of *Davis* fails to provide the elements of

Applicant's Claims 7 and 14 not shown by *Fowlow*. Thus, for at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 8-11 and 15-18.

In addition, Applicant submits that there is no teaching, suggestion, or motivation to combine or modify the teachings of *Fowlow* and *Davis* either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The mere assertion that the teachings of one reference might improve the teachings of another reference, as the Examiner states, does not provide the required suggestion to combine. Moreover, nothing in *Fowlow* or *Davis* suggests or motivates the proposed combination, nor has the Examiner provided evidence that suggests the proposed combination. For this additional reason, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 8-11 and 15-18.

Claims 12, 13, 19, and 20

The Examiner rejects Claims 12, 13, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Fowlow* in view of *Davis* and further in view of U.S. Patent No. 6,317,648, which issued to Sleep, et al. ("*Sleep*"). These Claims depend from Claims 7 and 14 respectively, which are shown above to be patentable over *Fowlow*. The introduction of *Davis* and *Sleep* fail to provide the elements of Applicant's Claims 7 and 14 not shown by *Fowlow*. Thus, for at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 12, 13, 19, and 20.

In addition, Applicant submits that there is no teaching, suggestion, or motivation to combine or modify the teachings of *Fowlow*, *Davis*, and *Sleep* either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The mere assertion that the teachings of one reference might improve the teachings of another reference, as the Examiner states, does not provide the required suggestion to combine. Moreover, nothing in *Fowlow*, *Davis*, or *Sleep* suggests or motivates the proposed combination, nor has the Examiner provided evidence that suggests the proposed combination. For this additional reason, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 12, 13, 19, and 20.

CONCLUSION

Applicant has made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Although no fees are believed to be currently due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant



Kurt M. Pankratz
Reg. No. 46,977

Date: December 22, 2004

Baker Botts L.L.P.
2001 Ross Avenue
Dallas, Texas 75201-2980
Tel. 214.953.6584

Customer Number: **05073**